

Serial No.: 09/682,995  
Amdt. Dated January 5, 2004.  
Reply to Office Action of October 10, 2003.

RD-27684

### REMARKS

In the Office Action, mailed on October 3, 2003, claims 29-67 were withdrawn from consideration based upon a provisional election on 9/29/03 by the Applicants' representative. The Applicants through their representative hereby affirm the 9/29/03 provisional election of the Group 1 claims 1-28. Claims 1-28 remain pending in the application.

#### Claim Objections

Claims 2-23 and 26-28 were objected to as reciting the method of claim 1 in indefinite form. In this response claims 2-23 and claims 26-28 have been amended to recite "The method according to claim..." as requested by the Examiner. The Applicants therefore request that the objection to claims 2-23 and 26-28 be withdrawn.

#### Objections to the Specification

The specification was objected to under 35 U.S.C. §112 as "not being written in such full, clear, concise and exact terms as to enable anyone of ordinary skill in the art to perform the invention in its best mode". The Applicants respectfully take exception to this characterization of the specification and urge that, in fact, the specification describes in clear terms the technical framework within which their invention lies. Those skilled in the art will appreciate by reading the specification, both the technical hurdles faced by the Applicants at the outset of their study as well as the inventive elements of the solutions to those obstacles which the Applicants have discovered. For example, the specification in paragraph [0005] sets forth the need "for methods and systems of quickly reducing the production of wastes..." . The Applicants thereafter describe in detail various aspects of the invention which include specific embodiments thereof, as for example the detailed description of Figure 3 which begins with paragraph [0028] and continues through the end of paragraph [0031]. The Applicants thus respectfully request that the Examiner's objection to the specification be withdrawn.

Serial No.: 09/682,995  
Amdt. Dated January 5, 2004.  
Reply to Office Action of October 10, 2003.

RD-27684

Claim Rejections Under 35 U.S.C. §112, first paragraph

Claims 1-24 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner holds that the referenced claims contain subject matter not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims are drawn to a method for reducing wastes produced from an industrial process. Basis for the recitation of such a method may be found in the specification. Returning to Figure 3 and its description found in paragraphs [0028-00031] it is clear that the figure describes not merely a means of monitoring waste production in a hypothetical industrial process 66, but is directed at controlling the production of the waste. Thus, waste solids 74, wastewater 76, and emissions 80 are monitored using monitor 82 to detect the wastes arising in the process. The information from the monitor is transferred via a communications network 48 to a waste reduction module 20 located on a server 50. The waste reduction module 20 is equipped with a process model of the particular industrial process being monitored. The output of the waste reduction module 20 is at least one process parameter 88 which is then transferred via the communications network 48 for use at the site of the hypothetical industrial process. Those skilled in the art will appreciate that the monitoring of the amount of waste being produced by an industrial process wherein in direct response to the measurement of waste concentration, the process parameters are adjusted, has as its logical, if not chief, objective, the reduction of the amount of waste being produced by the industrial process in question. Those skilled in the art will understand that a variety of process parameters (e.g. temperature, pressure, residence time, reactant concentration, catalyst concentration, and the like) may be employed and that the specific process parameters selected to control the amount of waste produced will depend upon the nature of the process and the corresponding process model which is used to predict the behavior of the process in response to a change in one or more of the process parameters.

With respect to the Examiners rejection of claims 25-28 under 35 U.S.C. §112, first paragraph, the Applicants urge that those skilled in the art will appreciate that the

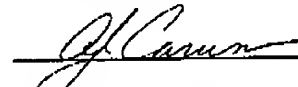
Serial No.: 09/682.995  
Amdt. Dated January 5, 2004.  
Reply to Office Action of October 10, 2003.

RD-27684

industrial processes being modeled are likely to be somewhat idiosyncratic and that each waste reduction module 20 will be equipped with a process model which predicts the behavior of the given industrial process with a good deal of precision. In light of the arguments made above, the Applicant respectfully requests that the rejection of claims 1-28 under 35 U.S.C. §112, first paragraph, be withdrawn.

Applicant submits that the case may now be in condition for immediate allowance and respectfully requests such action. If, however, any issues remain unresolved, the Examiner is invited to telephone the Applicant's counsel at the number provided below.

Respectfully submitted,



Andrew J. Caruso

Registration No. 48,520

Telephone: (518) 387-7354

Schenectady, New York  
January 5, 2004  
*APC*